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DATE: July 6, 2005

TO: Docket No. 05-015-1, Regulatory Analysis & Development, PPD, APHIS

FROM: Crystal Bryant

PAGES: 29

SUBJECT: National Animal ID System Comments
Docket No. 05-015-1

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Comments submitted on
National Animal Identification System Strategic Plan
July 2005

I am a cattle producer in the State of Texas. I appreciate the opportunity to comment on the U.S. Department of Agriculture's National Animal Identification System's strategic plan.

If livestock owners believe a program lacks credibility because its implementation plan is faulty and unworkable, it will not be taken seriously. Therefore, should NAIS go from voluntary to mandatory, I urge the Animal and Plant Health Inspection Service to work with producers and their organizations with the goal of assuring the system will properly and efficiently function throughout each stage of transition.

It's important to note that a vast number of beef cattle producers do not have the facilities and abilities to tag a significant portion of the nation's herd. And much of the marketing and handling industries cannot efficiently utilize current Radio Frequency Identification technology to record and report movements of cattle whenever they are commingled with cattle from different premises.

The infrastructures, systems and practices utilized today allow our cattle to be marketed and processed in efficient, low stress environments. Incorporating the NAIS as currently outlined by USDA will significantly impact those efficiencies. Consequently, implementation of NAIS and the technologies utilized should closely adapt to these infrastructures, systems and practices in order that its impact is negligible.

I take issue with the strategic plan's claim that one of the strengths of the NAIS is "broad industry, governmental and stakeholder support for a national animal identification program." The plan states that in listening sessions conducted by APHIS in 2004, 47 people commented on whether a program should be voluntary or mandatory and that by a ratio of 3:1 respondents preferred a mandatory program to a purely voluntary one. Forty-seven respondents is an extremely poor survey upon which to base the claim that there is "broad industry support for a national animal identification program." (I note the reference to a member survey conducted by the National Institute of Animal Agriculture.) While NIAA is a respectable professional organization, they are not a mainstream producer organization in the same vein as National Cattlemen's Beef Association, American Farm Bureau Federation, National Pork Producers Council or the hundreds of state animal agriculture organizations. I do not feel the farmer and rancher's perspective is being properly heard on this issue and request USDA do a better job of seeking their input on the NAIS. Also, USDA's NAIS Steering Committee does not have adequate mainstream producer representation, a problem that should be addressed as soon as possible.

Perhaps the most important statement in the strategic plan is "collecting and recording animal movements is the greatest challenge ahead." There are three major reasons this statement is important: 1) current accepted RFID technology is insufficient to scan tags in a majority of livestock handling facilities without creating significant financial hardship to industry participants; 2) many beef cattle will experience significant stress and injury if scanning technology can't adapt to current facility designs that will require longer read ranges; and 3) many situations where livestock are commingled (small fairs, small lot private treaty transactions, livestock used for recreational purposes) are not conducive to collecting and recording movement data. These three issues must be dealt with properly. Otherwise, the NAIS will become a significant economic burden and compliance—short of a major enforcement effort by government—will be limited at best.

Some sectors of the industry, by design, can more easily adapt RFID scanning systems and from an animal health risk perspective, there is a more immediate need to record movements at some location scenarios than others. A process that identifies and categorizes movement location scenarios based upon the most crucial categories, then progresses to the less crucial, would be more efficient from a disease surveillance aspect.

For example, it makes sense that recording of cattle movements at all state and federally inspected slaughter facilities should be a critical first step for the NAIS. If the system is going to require that commingled animals be tagged by a certain date, then the ability to immediately record movements at slaughter is critical.

Otherwise, cattle will go to slaughter without the system's ability to recognize that an animal's Animal Identification Number needs to be retired. From there, a system could be developed that would recognize other types of location scenarios where movements need to be recorded and develop categories and priorities for implementation. Obviously, a location scenario involving thousands of commingled animals carries a higher risk to the nation's herd than a private treaty transaction involving two cattle belonging to two neighbors.

The strategic plan suggests four stakeholder concerns for the NAIS – financial, confidentiality, flexibility and liability. As a stakeholder, I have the following additional concerns: need for a privately controlled animal database system to protect confidentiality; need for more efficient and effective data recording technologies; avoidance of a burdensome movement tracking requirement system; an efficient tagging process; a user friendly premises registration system and process; and potential penalties for non compliance.

The plan's call that the NAIS not "unduly increase the size and scope of Federal and State governments" is admirable. I believe the approach to meet all of these important principals would be to create a public/private sector partnership that would utilize each other's strengths.

A major strength of the private sector will be the ability to build an animal data management system with multiple applications that allows producers to enhance their management and marketing opportunities. Such a system can efficiently provide APHIS and other animal health authorities with the 48-hour trace back information called for by the NAIS. A industry-built system utilizing and controlling significant data on matters like birth, vaccination records, physical description, health information, genetic information, nutrient intake, etc. will be mammoth compared to the information that will be required for NAIS purposes. Consequently, the most logical approach will be for industry to build this multiuse system that will allow an animal health agency immediate access for animal disease surveillance purposes.

Operation of a premises system itself will certainly increase the size and scope of APHIS far beyond their traditional span of animal health responsibilities of the past. Texas alone may have over 200,000 premises to register and maintain. An efficient system to perform this task is a must.

The Freedom of Information Act presents a major concern relative to confidential business information and its potential availability to the public. There is a need for legislation that attempts to protect such information from public access, but I feel strongly that such legislation will not provide a sufficient protection of a producer's information. Court interpretation of law can often conflict with the intent of Congress. In spite of the interest by USDA to draft laws designed to protect producers, such an approach leaves too much chance that producers' information will still be at risk even with a law designed to provide protection. Consequently, the only solution to provide the strongest assurance that information will be protected from access by the public or other governmental agencies is for animal data to be managed and stored in a private sector system. Such a system can, and should, be designed to provide USDA and state animal health agencies with unfettered immediate access for disease surveillance purposes

As to timeline, the registration of all beef cattle premises in Texas—estimated to be over 150,000—by January 2008 will be a daunting task if some critical issues involving the verification of valid 911 addresses are not resolved. In instances where a producer does not have a valid 911 address or the Texas

Animal Health Commission can't verify one, the process of registering such a premises slows to unacceptable timeframes.

As to the various stages of development for the NAIS, I am very concerned that state brand inspection authorities are not included as a stakeholder in Stage One. Previous NAIS documents have indicated that state brand inspection programs should be involved in the implementation of the NAIS.

I urge APHIS to amend the strategic plan to ensure that state brand inspection authorities are not only included as stakeholders in the implementation of NAIS, but also become active participants in its implementation. Currently, state brand inspectors conduct inspections of livestock for compliance purposes of state and federal laws. It makes sense that, within their current jurisdictions, a brand inspector's duties could be expanded to verify that livestock movements have been properly recorded into the NAIS system.

Such oversight will be imperative for three main reasons. First, brand inspectors conduct physical inspections of all animals within their jurisdictions. It makes sense that they perform the task of verifying that all animals are tagged and their movement at a premises is recorded in the system. Second, most state animal health are operating on limited budgets and will likely not have the resources to hire the additional employees to verify that livestock are tagged and their movements are recorded. Finally, scanning equipment will always be subject to malfunction. A brand inspector can be easily trained to identify problems and find solutions in short notice.

The Draft Strategic Plan calls for making the entire system mandatory by January 2009. I believe the system envisioned by some at APHIS that would record every single movement where cattle are commingled with animals from another premises is unworkable by January 2009. Furthermore, arbitrary dates for such implementation is meaningless until workable solutions can be developed for the dilemmas of tagging, movement scanning, and recording are addressed. Arbitrary dates will likely force industry to use currently approved technology and practices that will place a significant economic burden on industry.

In regard to cattle, individual identification would be achieved with an AIN tag that would be attached to the animal's left ear. In light of the fact that some producers do not have the facilities to tag their animals, the Draft Program standards document contains an option for tagging sites which are authorized premises where owners or persons responsible for cattle could have their cattle sent to have AIN tags applied.

Millions of cattle run on small farms and ranches and there has never been an economic incentive for these producers to construct such facilities. For decades in the beef cattle industry, the marketing infrastructure has efficiently marketed their cattle in a manner that has allowed the producer to bring a "raw commodity" to market. This raw commodity is typically in the form of an unweaned calf that has not been vaccinated or castrated. The other end of the infrastructure—stocker operations and feedyards—takes these raw commodities and process them (vaccinations, castration, etc.) when they take delivery, thus adding value.

Consequently, millions of calves each year are not restrained for the first time until they have left their ranch of origin, gone through an auction market and reached the second phase of their lives (stocker or feeder). If NAIS is implemented as written, the economic burden on the beef cattle industry will be great. This burden will come in the form of additional labor, equipment, and infrastructure, as well as stress and injury to cattle brought on by the requirement to tag cattle prior to commingling.

In reference to the proposed "tagging sites," cattle will be tagged where it makes the most economical sense. In many situations, this likely will be at an auction market. All markets are set up to be able to accept cattle and market them in a short period of time – as short as two hours. If markets have the resources—mainly capital—to tag cattle, they must be able to retrofit their facilities to accommodate the above-described efficiencies. While some markets can simply build additional alleys and pens to accommodate, many others don't have the flexibility to accommodate such changes because of limitations on how they can expand. Their operation may be in a city or town and not have the physical ability to expand. This situation of basically creating a system of haves and have-nots could lead to problems for producers if economic pressures on the "have-nots" forces them out of business and producers are forced to travel greater distances to market their cattle. The auction market business has experienced consolidation in the last 20 years and NAIS could likely speed more consolidation.

Because tagging will occur where it's most economical does not give us much hope that tagging sites off site of auction markets will be viable. First, an offsite tagging location will mean an extra stop for producers on their way to auction markets which means more costs and stress on cattle. Second, the entity operating the site will have to make a considerable capital investment in technology—hardware and software—and will mostly likely have to be a registered tag distributor in order to sell tags (if not, then producers will have to make prior arrangements to purchase tags which will entail more cost). Such investment may likely require the cost of tagging at such sites uncompetitive if local auction markets have an advantage.

The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements is to be achieved when the sale is direct between a buyer and seller (or through their agents). This presents the problem of who should be responsible for compliance. I see no option other than to trust one or both parties in such transactions to report such movements. However, in states where brand inspection authorities have jurisdiction over such movements, brand inspectors can ensure such movements are recorded into the system. Therefore, for producers to have "buy-in" and become willing to participate, USDA should adopt systems for movement recording that producers will be most likely to accept and utilize. Producers will be more likely to be willing to participate and record movement data in a privately held animal data system as opposed to a government owned and managed system.

In regards to the most cost-effective and efficient ways for submitting information to the database, while technology is increasingly embraced by small scale cattle producers there continues to be barriers to their ability to utilize tools like the internet. Issues like the availability of power at remote locations, slow or poor internet connectivity, and other matters will make it difficult to utilize the more technological methods of data submission. Consequently, submission by mail, phone, or third party will be more appropriate.

If a private sector animal data management network system is recognized and utilized by USDA, then the private sector should fund the operation of the system. However, a very significant infrastructure of hardware and software components will need to be installed around the nation in the effort to equip state animal health agencies and collection points with the tools to register premises, scan RFID devices and report movements. I strongly urge federal funding to implement these important components of NAIS.

I believe a single private network system should exist that allows an unlimited number of qualified private companies to offer movement recording services to producers and feed such movement information to this system. Government should not offer a system that competes with a private sector network system. And, a private system can and should allow producers who do not wish to use a private company to be able to enter movement information at no cost. With a miniscule amount of funds available to most state animal health agencies, I do not believe states will be able offer an animal database system as efficiently and effectively as a private animal database network. Many producers have an innate skepticism about providing information to state and federal animal health authorities; therefore we believe the private

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I sincerely urge you to consider these comments and act favorably upon them.

Name

Address

City, State, Zip

John F. Duda

P.O. Box 10

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

Bragg Smith

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4514 Cole Ave., Suite 706

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

TZ Cattle Co.

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I sincerely urge you to consider these comments and act favorably upon them.

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I sincerely urge you to consider these comments and act favorably upon them.

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I sincerely urge you to consider these comments and act favorably upon them.

C. C. Burgess 
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I sincerely urge you to consider these comments and act favorably upon them.

Leonard Singletary
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I sincerely urge you to consider these comments and act favorably upon them.

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I sincerely urge you to consider these comments and act favorably upon them.

W. Clay Jones

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I sincerely urge you to consider these comments and act favorably upon them.

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I sincerely urge you to consider these comments and act favorably upon them.

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TX&SW CATTLE RAISERS ASSN

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

Castro King
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230 T Ranch
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I sincerely urge you to consider these comments and act favorably upon them.

A.C. Jones Jr. Jones Ranch LLC
Name
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database network system will work better for both the nation's animal health authorities and producers alike.


I sincerely urge you to consider these comments and act favorably upon them.

Jamie E. Leak
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3206 Camacho Dr.
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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

Jason S. Curtis 
Name

P.O. Box 1380
Address

Fort Worth, Texas 76101-1380
City, State, Zip

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

FAIR OAKS PROPERTIES, LTD. Richard M. Lippert "Manager"
Name FAIR OAKS RANCH, P.O. Box 667
Address BERCLAIR, TX 78107
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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

Richard M. Lucas Jr. Richard M. Lucas Jr.
Name P.O. Box 270445
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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

LUCAE RANCH SERVICES, LLC *Robert Lucas "Humbert"*
Name _____
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Address _____
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I sincerely urge you to consider these comments and act favorably upon them.

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John Zaut

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

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John Welch for Spake Ranch
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database network system will work better for both the nation's animal health authorities and producers alike.

I sincerely urge you to consider these comments and act favorably upon them.

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